



State of New Jersey

Department of Environmental Protection

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LAND USE REGULATION PROGRAM
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MAY 15 2002

May 15, 2002

Mr. Nicholas Caiazza
NJ Department of Transportation
Division of Project Management
1035 Parkway Avenue
Trenton, NJ 08625-0600

PROJECT MANAGEMENT
RECEIVED
MAY 22 2002

RE: **Authorization for Freshwater Wetlands Statewide General Permits 10B & 11, Water Quality Certification, Transition Area Waiver for Linear Development, and Letter of Interpretation**

LURP File No.: # 0000-02-0008.1-4

Applicant: NJ Department of Transportation

Project: I-295 Pavement Widening, Burlington & Camden Co(south of Berlin-Haddonfield Rd to north of Rt 38)Tindall Run, North Branch Cooper River, North Branch Pennsauken Creek, and their tributaries in the Delaware River Basin

Dear Mr. Caiazza:

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit (GP) authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by combined Statewide General Permits 10B, 11 and a Transition Area Waiver for Linear Development which authorize certain activities in freshwater wetlands, transition areas, and/or State open waters. This letter of authorization to conduct a regulated activity in a wetland or open water includes a Water Quality Certificate for these activities.

Limit of Authorized Disturbance

GP 10B authorizes certain activities that include the expansion, widening, or upgrading of one or more existing paved or unpaved roads, including attendant features such as shoulders and embankments. GP 11 authorizes certain activities that include the construction of stormwater outfall structures. Based on the plans entitled "NJDEP Permit Plans Route I-295 Sections 2E, 2F, & 2J", fifty-three (53) sheets prepared and signed by Arif Malick, P.E., **the authorized activities include the filling of 0.026 acres of wetlands regulated under GP 10B and the filling of 0.050 acres of wetlands regulated under GP 11. In addition, 0.252 acres of permanent transition area impact as a result of pavement widening, and 4.706 acres of temporary disturbance to transition areas as a result of berm amendments are authorized in association with the I-295 pavement work as shown on the plans.** The stated impacts are the minimum necessary to provide for the safe management of traffic along various points of egress and ingress within the limits of the I-295 Pavement project that extends from

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approximately 1,600 feet south of CR 561 to approximately 2,000 feet north of Route 38. The acceleration and deceleration lanes require widening of the cartway to meet safety standards, especially the provision of shoulders along the median for disabled vehicles. This widening is to occur primarily in the grassed median section of the roadway to minimize disturbances to wooded and wetland transition areas along the outside limits of the clear zone within the right-of-way. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained from the Land Use Regulation Program prior to the start of the disturbance.

The grassed median will remain to function as a pretreatment facility for stormwater runoff by providing overland flow through a vegetated medium that will settle out suspended particulates. Umbrella-type, over-the-shoulder, drainage will provide sheet flow of stormwater over grassed shoulder areas along the outside lanes to also serve as pretreatment of stormwater. Roadside ditches and swales along the State's right-of-way provide additional pretreatment prior to discharge of the stormwater to State open water areas or wetlands of higher resource value.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

Special Conditions

1. The total amount of disturbance associated with this authorization shall not exceed the **filling of 0.076 acres of wetlands, the permanent disturbance of 0.252 acres of transition area, and the temporary disturbance of 4.706 acres of transition areas.**
2. The cartway, shoulders, and side slopes of the roadway shall be the minimum necessary for meeting safety standards while providing adequate shoulder areas for disabled vehicles and the necessary lengths for acceleration and deceleration lanes associated with the interchanges within the project area.
3. Soil erosion and sediment controls will be installed prior to the commencement of any major soil disturbances.
4. Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill materials;
5. During construction activities, all excavation must be monitored for the presence of acid-producing deposits. If any such deposits are encountered, the permittee shall implement the mitigation and disposal standards in the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13 and shall establish an annual post-planting monitoring program to ensure the reestablishment of vegetation in temporarily disturbed areas. The plantings shall have a minimum 85 percent plant survival and coverage rate after three complete growing seasons. If the plantings fail to achieve this survival rate, the Department will require the permittee to implement additional corrective measures.

6. The area of disturbance during construction of the stormwater conveyance structure shall be no wider than is necessary to comply with the United States Occupational Safety and Health Administration safety standards for excavations, set forth at 29 CFR Part 1926, Subpart P.

The amount of rip-rap or other energy dissipating material placed shall be the minimum necessary to prevent erosion, and shall not exceed 10 cubic yards of fill per outfall, unless a larger amount is required in order to comply with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90.

For any temporarily excavated area in freshwater wetlands, transition areas, and/or State open waters, the following requirements apply:

1. The excavation shall be backfilled to the preexisting elevation (except where changes are specifically approved);
2. The uppermost 18 inches of the excavation shall be backfilled with the original topsoil material where feasible; and
3. The area above the excavation shall be replanted with indigenous wetland species in accordance with applicable Best Management Practices.

In addition to the above and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to, in any way, affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.

8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Transition Area

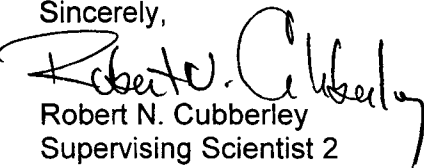
The wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to them is 50 feet. The General Permits #10B and 11 include transition area waivers that allow encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the regulated activities. In addition, regulated activities conducted within the other standard transition areas noted on the previously referenced plans are hereby approved under this special activity transition area waiver for linear activities. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact William Mc Laughlin of our staff at (609) 984-0194, at the address listed above, or by email William.McLaughlin@dep.state.nj.us. Please reference the above file number in all correspondence.

Sincerely,



Robert N. Cubberley
Supervising Scientist 2
Bureau of Inland Regulation

WMcL

- c. Bureau of Enforcement
Mount Laurel Township Municipal Clerk
Mount Laurel Township Municipal Construction Official
Cherry Hill Township Municipal Clerk
Cherry Hill Township Municipal Construction Official